CANADIAN MOVING PICTURE DIGEST

RAY LEWIS
Editor and Publisher

$5.00 a Year — 10 Cents Per Copy

Vol. 31, No. 36 — TORONTO 2, CANADA — December 23rd, 1939

"Foto-Nite Amateur Show"

THAT is what Texas Cowboy Pete Barnes who holds the copyright to this little show of big dough calls his "get 'em in" program.

There have been many stories current concerning "Foto-Nite", and The Digest has published a few. We understand from the originators of the idea that most of the stories are not clear on the facts concerning "Foto-Nite".

You have also read that there is litigation concerning this form of showmanship; and that two theatres have been committed for trial, choosing to be tried by jury.

The question which disturbs us all is whether "Foto-Nite" may be classified as a lottery. If the Crown proves its case there is the penalty of a fine or imprisonment, or both. In the case of an unfavorable verdict, there would likely be an appeal.

We understand from the owners of the copyright that the exhibitors who present "Foto-Nite" have the same kind of protection provided for in their contracts as have the exhibitors from distributor-producers, the latter who become involved in actions for plagiarism or infringement of copyright.

Confronted with the sub judice barrier we are restrained from personally commenting on "Foto-Nite" in respect to what it constitutes, but in view of the many articles which we published concerning "giveaways", and in which we deprecated the extensive use of advertising on marquees, in lobbies for the display and advertisement of Chinaware giveaways to the exclusion of stars and pictures, we are happy to permit the owners of the "Foto-Nite" copyright to tell you their story, permit us to quote.

"'Foto-Nite Amateur Show' is a plan of advertising which is copyrighted, trademarked and otherwise fully protected in the Canadian Patent Office at Ottawa, and is owned exclusively by Mr. Fay Barnes, of Dallas, Texas, and is permitted to be used by theatre owners on a Royalty Payment basis.

"In the lobby of any theatre using 'Foto-Nite' there is a suitable table for the convenience of the patrons who wish to register their names on the 'Foto-Nite' registration cards, which are provided. In addition to registrations which may be obtained in the lobby of the theatre, ten or twelve girls are secured for the purpose of making a house-to-house campaign in the district in which the theatre is situated and obtain registrations in that way.

"After all these cards are brought back to the theatre and checked for duplications, the names are typed on ledger sheets provided for that purpose and the registration cards are filed in alphabetical order in trays. After the names have been typed in the ledger, a number is given to each name, and no one knows what number corresponds to what name. The only time the ledger is opened is on 'Foto-Nite' on the stage in the presence of the audience. The ledger is kept at the bank and the key to the ledger is held by the Manager and the ledger is brought to the stage by a bank employee, so that there is no possibility of the ledger being tampered with except in the presence of the audience and on the stage.

"The house-to-house canvass campaign does not obligate anyone to come to the theatre. It does not cost anything to register and is entirely free. As regards registrations at the theatre, a person may register at any time the theatre is open without obligation of any kind, nor is it necessary to purchase a ticket of admission in order to register. Anyone may enter the lobby of the theatre, register their names for 'Foto-Nite' and leave without going into the theatre."

In our next week's issue of The Digest, The Holiday Number, we will publish the remainder of the story as submitted to The Digest on "Foto-Nite Amateur Show". Some exhibitors have written The Digest concerning "Foto-Nite", its copyright, authority, etc. Read next week's Holiday Digest Number for the complete story.

—Editor.

PUBLISHED BY
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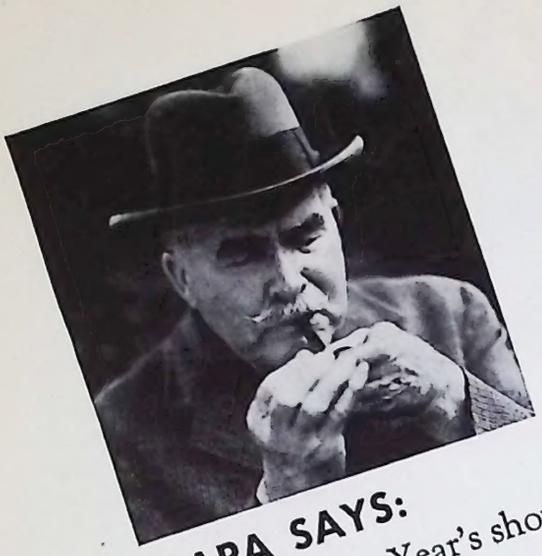
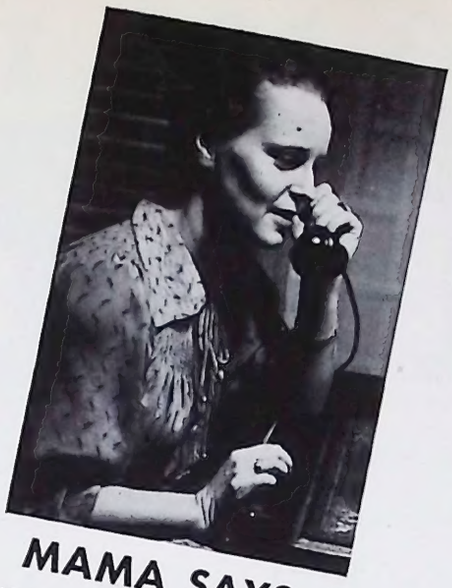
259 SPADINA AVENUE, TORONTO 2



PAPA SAYS:
"I want a New Year's show with music and gayety. I hear Miss Massey is an eyeful—but don't quote me!"



MAMA SAYS:
"Give me laughs and an exciting, romantic film at New Year's! Nelson Eddy—Um!"

BROTHER SAYS:
"My New Year's dish is musical comedy, pretty dames. I'd like to be alone with Ilona!"

THEY ALL LIKE A "BALALAIKA" NEW YEAR'S!

(Holiday Bookings are Zooming! Hurry!)

SISTER SAYS:
"If it's gorgeous, gala, melodious and romantic, it's New Year's to me!"

"BALALAIKA" starring NELSON EDDY · Ilona Massey with Charlie Ruggles · Frank Morgan · Lionel Atwill · C. Aubrey Smith · Joyce Compton · Dalies Frantz · Screen Play by Leon Gordon, Charles Bennett, Jacques Deval · Based upon the Play "Balalaika" · Book and Lyrics by Eric Maschwitz · Music by George Posford and Bernard Grun · Directed by Reinhold Schunzel · Produced by Lawrence Weingarten · An M-G-M Picture

M-G-M SAYS:
"Just previewed and what a show! Celebrate with 'BALALAIKA' and start the New Year right!"

ME, TOO!

RAY PRESENTS

IN VIEW of litigation as between Stella Falk, editor of The Canadian Independent, and Ray Lewis, Editor of The Canadian Moving Picture Digest, covering Stella Falk's libel action for ten thousand dollars against the defendant and The Digest; and Ray Lewis' counter action against Stella Falk and the Press Committee of The Independent and The Independent for libel and a conspiracy to injure the plaintiff, etc., I refrain from commenting on the latest attack upon Ray Lewis in the last issue of The Independent, as contained in a malicious letter published in The Independent under the signature of Johnny Cohen of the Canadian Premium Distributors and as contained in Mrs. Falk's editorial comment. No doubt Mrs. Falk has been advised by her legal counsel that she may even continue her attacks upon me during litigation; and that the meaning of sub judice has no significance for her or the press committee.

Our readers will remember that Johnny Cohen sent a letter to The Digest in defence of the Giveaway and that we published this letter. Our readers may be interested to know that The Independent published a letter from Johnny Cohen, also, but the letter which he sent to that publication was a direct attack on Ray Lewis with which we will not deal for reasons already explained. One has but to read both letters written by the same person, Johnny Cohen, one to The Digest and one to The Independent to understand many things.

The libel of which the plaintiff, Mrs. Falk, complains is contained in an article which I published in reply to a statement which Mrs. Falk published in The Independent in which she said among other alleged libellous and malicious statements that Ray Lewis was at the bottom of the list of N. L. Nathanson's stooges, etc. She did not mention the other Nathanson stooges who were ahead of me on the list but in due time she may.

I HAVE arrived at the year of my silver jubilee in motion pictures in respect to The Digest's publication. Twenty-five years is a long time out of any one's life be that life long or short. Perhaps being British I have the British failing, the quality of being a poor hater which means no vendetta, or the pursuit of revenge. I can remember being in England just after the armistice, and the attitude of the British toward their former enemy. I use the word former advisedly, for with the armistice the British no longer acknowledged an enemy. Scanning the history of 1918 to 1939 we see a consistency of reactions from the British which can be traced to this source for their explanations, that of being a poor hater.

At Christmas time such a quality is unquestionably a virtue. The world seethes with hatred, therefore, it is befitting that the nations and the people of the nations who still believe in the Divine Message of Peace and Good-Will shall express that virtue from within themselves in order that they may speak or preach it.

Twenty-five years as publisher and editor of The Canadian Moving Picture Digest, a silver jubilee for a silver-haired editor. Twenty-five years of continual battling with periods of an armistice throughout these years; and all for the cause of Independence which perhaps makes less sour such effort, than had the years of such service been directed toward the salvation of The Independents. The Cause is like the Balm of Gilead, an ointment for the Wounds of Disillusionment.

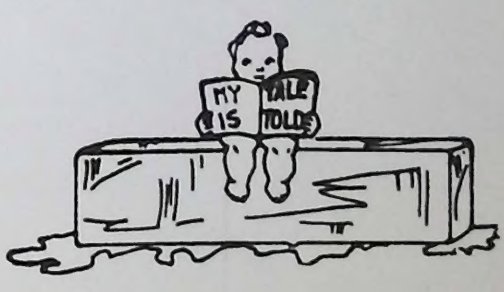
Today, Mars rules, today life is cheap and nations are cheaper. The British Empire and France are battling to make permanent the Cause which Woodrow Wilson, a former president of the United States, dreamed to express through a League of Nations, the establishment and the perpetuation of Peace. We fight, those of us who oppose Hitlerism, for the preservation of Human Rights and the vision of our Divinity. Whether or not individuals, or groups of these, or natons are worth the battle has no relationship to the Cause for which we battle. In a fight there is no time for analysis, or for such cogitations as "should we or should we not have had a Versailles Treaty, etc?" When The Right Hon. Duff-Cooper was in Toronto recently he reminded us that since the Versailles Treaty there were two other treaties to which the German Government was a signatory, The Locarno Treaty and the Kellog Peace Pact. Two treaties which they helped to make.

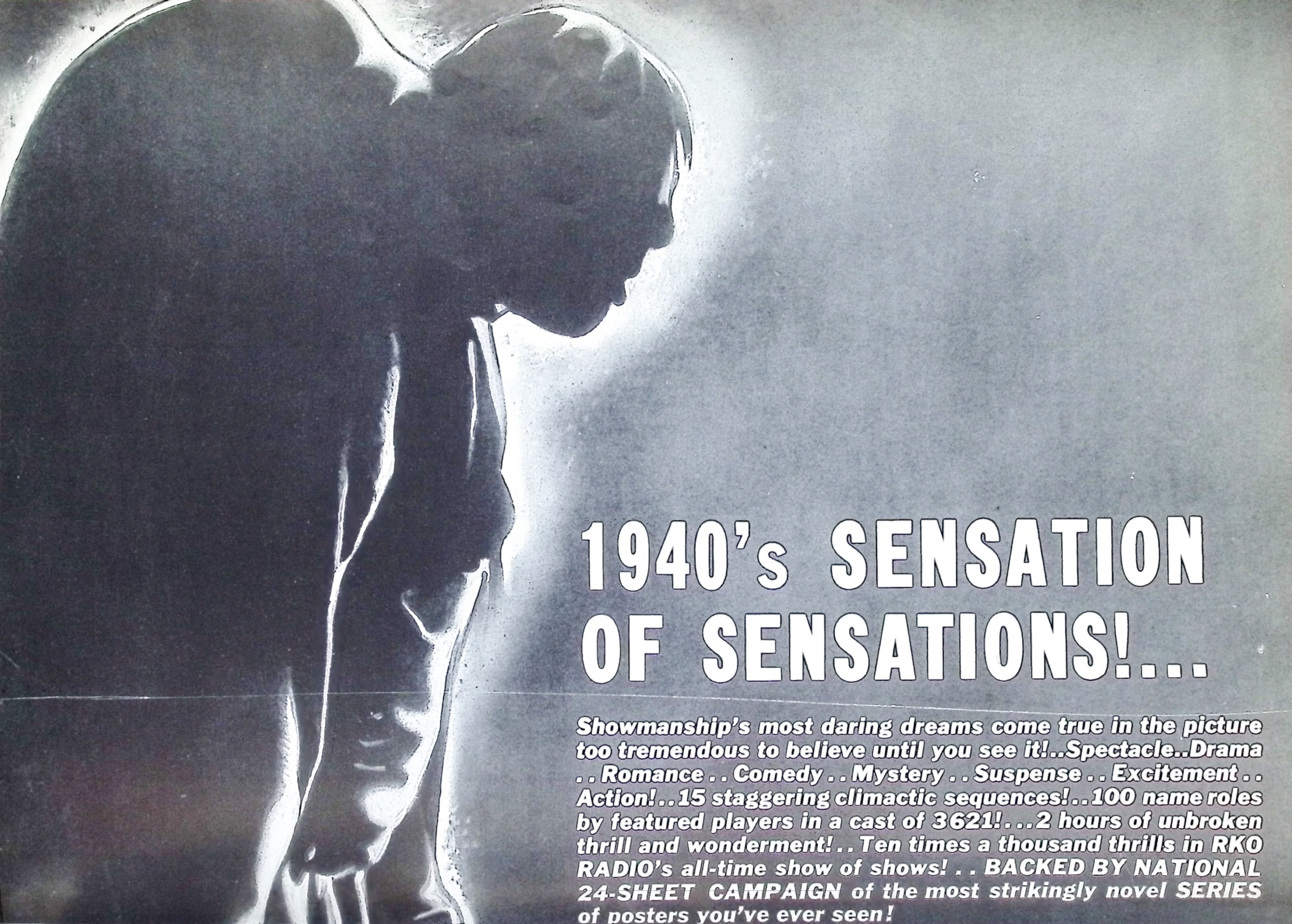
OUR press has been filled with stories of the Graf Spee, German pocket destroyer. Some of the stories have recently gone "mushy" and attributed heroics to a captain and his crew who were out to destroy everything they could destroy which was British. We could shed a few tears for the British Seamen and Neutrals, who went down at sea because the Graf Spee was successful in doing its dirty work.

The Britisher has been taught to play the game, if he is a captain he goes down with his ship if the occasion demands such a sacrificial service. To lose a battle and commit suicide is not the British way of blazing a path to Immortality. I am remembering the last War, The Lusitannia; the young officers and sailors who never came back because the captain of the Graf Spee performed such excellent service for his country. He was repeating his fine record for his country in this War; and even at Christmas time I am not being "mushy" about the news that the Graf Spee is bottoms up, with the British doing the toasting!

All of which makes sea pictures real news as well as entertainment value upon our screens. We, in Canada are certainly aware of the British Navy, and the R.A.F. The press are doing the publicity for the sea and air pictures, for every day there is a headline story, and our Movie Theatres are combining service and profits.

But we leave the arena of battle for the personal touch. The opportunity to wish you and yours a Merry Christmas, and to join you in a prayer for Peace and Good-Will, linked together, for divided there can be no Peace.





1940's SENSATION OF SENSATIONS!...

Showmanship's most daring dreams come true in the picture too tremendous to believe until you see it!..Spectacle..Drama . . Romance . . Comedy . . Mystery . . Suspense . . Excitement . . Action!..15 staggering climactic sequences!..100 name roles by featured players in a cast of 3621!...2 hours of unbroken thrill and wonderment!. . Ten times a thousand thrills in RKO RADIO's all-time show of shows! . . BACKED BY NATIONAL 24-SHEET CAMPAIGN of the most strikingly novel SERIES of posters you've ever seen!

Construction Active In Ontario

DSOR HOUSES - THREE IN TORONTO

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building a will be call- pposite the se). Plans he building eyer Okun sented the in the ne- ill have a

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GES

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AND NOW HEYWOOD BROUN

Good-bye, good soldier and grand fighter, your pen was mightier than the sword; and your courage as great as your convictions. They called you "The Fighting Columnist", but were you not in this Armament of Strength true to the traditions of the Pen. What great poet, or writer has history given us who was not a fighter? If space would but permit we could take you for a march through the Ages and quote to you the Causes for which all great writers have fought. We perhaps will best remember his fight in connection with Sacco-Vanzetti, and as a result severed connections with the Pulitzer publications, writing a column for the Nation. Broun's last position was with the New York World-Telegram with which publication he retained his right to a liberty of expression which could never be repressed, or suppressed. A pneumonia complication coupled with a heart attack, the latter just enough to perfect the finishing touch, gave Heywood Broun his Marching Orders into Eternity. Tired with the Battle for the Right, disillusioned perhaps, he turned to the Catholic Church for spiritual adjustment and for the Peace of his soul and his mind. He will be remembered.

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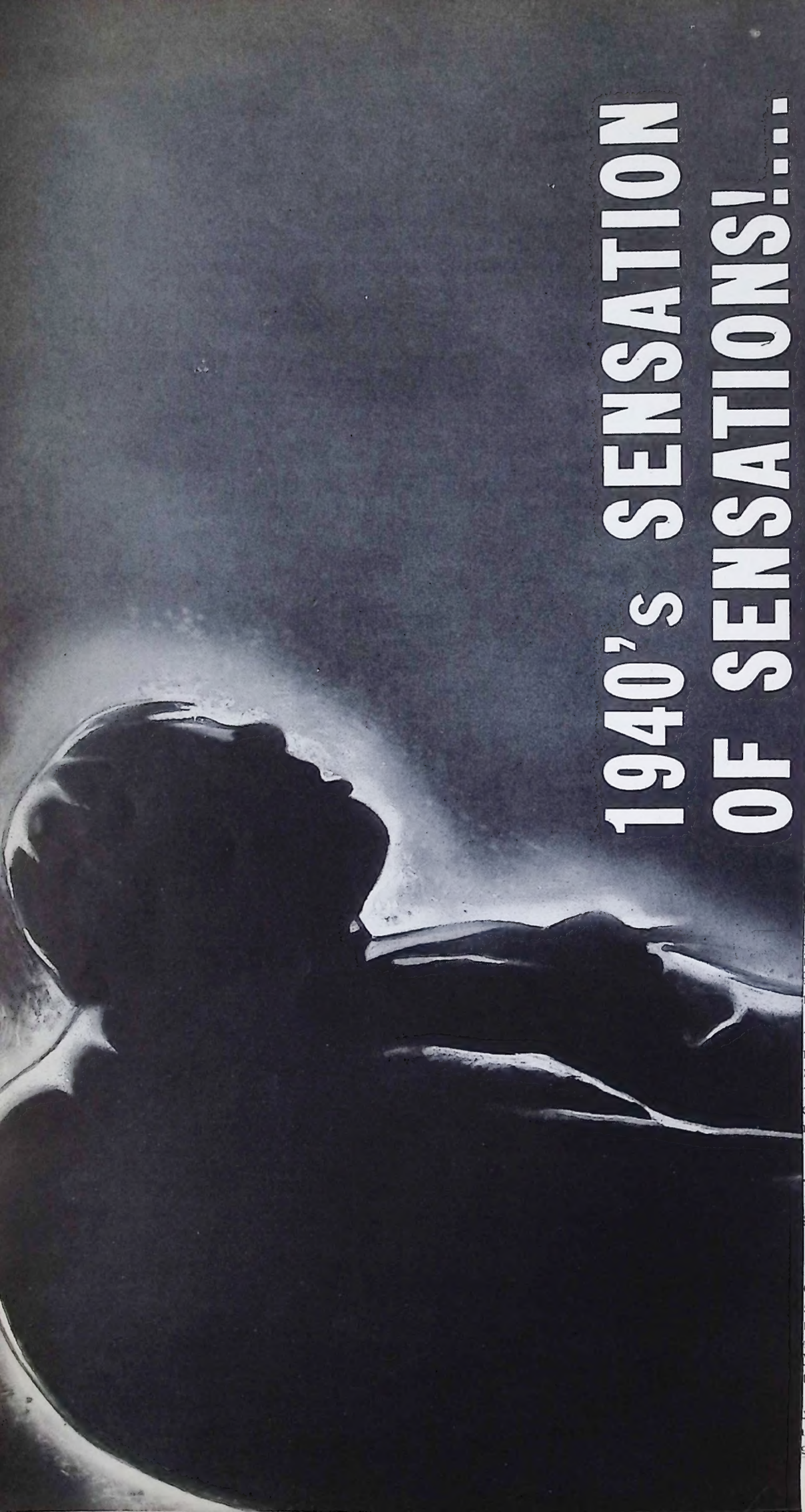

Comedy
dy Fare

RT SUBJECTS

E SYMPHONY"
NITED ARTISTS

Window short, showing
ies of the Eternal City in
The ruins of ancient
ictured, as well as the
opolis. Of special in-
re some magnificent shots
's, both exterior and in-
the latter, the first of their
ch the screen. Musical
nt is excellent. This is
est of this series.
ime—10 mnutes.

ATION PLEASE No. 3"
RKO-PATHE

es is rapidly becoming one
ost popular short subjects
ness. Canadian audiences,
r, have taken to the subject,
s as if soon it will be as
the radio program. Latest
Information Please", pre-
on Fadiman once more as
ner, and a board of experts
f John Kieran, Franklin P.
car Levant, and guest ex-
ence Buddington Kelland,
'Mr. Deeds Goes To Town",
Scattergood Baines" stories.
nt and Mr. Kelland divide
honors between them, while
n and Mr. Adams run a close
encyclopedic queries. The
misses out on one question,
an't miss out if you play it.
g time—10 minutes.

SCRAMBLED EGGS"
UNIVERSAL

er Lantz Cartune in color,
ing Peterkin, the playful Pan.
Peterkin watches the mother
r birds, waiting for their eggs
and gets the bright idea to
ne eggs. The results are hil-
til the father birds walk out,
their club, and the mamma
ome to their mammas. This
babies all alone, and they
an awful row, that Peterkin
rsemaid, and tries to keep
and happy. He fails, and
call the families, explaining
ened with eggs.
g time—9 minutes.

"JERUSALEM"
UNITED ARTISTS

R camera tour through the
City, taking in the most in-
spots including, the Garden
mane, the Mount of Olives,
ng Wall, the Coptic Monas-
Moslem Mosque, the Church
tivity, and many other famed
Narration is interesting,
appropriate. Photography
t. Another World Window.
g time—10 m'nutes.

Theatre Construction Active In Ontario

BUILD TWO WINDSOR HOUSES - THREE IN TORONTO

Toronto, Ont. — Theatre building activity proceeds in Toronto, with plans for a new theatre on a site on Bloor Street, west of Royal York Road, in the Kingsway district. The purchaser, L. E. Farrow, plans to erect a theatre to seat between 500 and 600 persons. There will be two small stores and upstairs offices. Construction will begin immediately, the project to be completed by April 1st.

Plans are completed by architect Benjamin Brown, for a proposed 2000 seat theatre to be built by A. Merker at 1965 Yonge Street, north Yonge, near Eglinton Avenue. As yet no building permit has been applied for.

In Windsor, Paramount Windsor Theatres (Simon Meretsky), is building a new theatre at Ottawa Street and Moy Avenue. The theatre will seat 790, architect is Jay I. English. In the same Ontario city, Mr. Carl Rossoni, retired Windsor wine merchant has announced that bids have been called on a new $35,000 theatre which he plans to erect at the corner of Tecumseh Blvd. and Langlois Avenue. The theatre will be named "St. Carlo" and will seat 500.

Four Toronto men are building a theatre in Oshawa, which will be called The Biltmore, directly opposite the Regent Theatre (F.P. house). Plans call for the completion of the building by April of 1940. Mr. Meyer Okun and Barnett Laxer represented the Biltmore Theatre Company in the negotiations. The theatre will have a seating capacity of 750.

The New Colony Theatre, situated on Eglinton Avenue at Dufferin St., Toronto, opens next Monday evening. M. Weiss is the operator.

GOLDING ARRANGES CHRISTMAS BENEFIT

Saint John, N.B. — The Capitol Theatre, Saint John, N.B., which is one of the greatest institutions for community service in the city, was the scene of great activity during the showing of the "Royal Visit" film. Red Cross nurses had placed a large white cross in the lobby, and small red crosses were sold to raise funds. On the other side of the lobby tickets were being sold for a benefit performance in aid of Christmas gifts for soldiers, which was held on Friday evening. The entire programme was made up of talent from the military units and presiding over the ticket table were two soldiers in uniform. The Royal Tour film was well attended. "Hawaiian Nights" was also on the program. As well as being a most popular theatre the Capitol Theatre manager, Walter H. Golding and his staff are noted for their assistance in every good cause.

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Appeal To Discontinue Sunday Midnight Shows

WOMEN'S COUNCIL BACKED BY MINISTERS

Peterboro, Ont. — City Council here instructed City Clerk Armstrong to write to the managers of the local theatres appealing to them to discontinue the Sunday midnight shows, following a request of the Local Council of Women, supported by the Ministerial Association.

Alderman Dutton recalled that the Council of Women had undertaken to interview the theatre managers regarding midnight shows. He asked what was the answer they received. "They told us the young people were quite safe in the theatres," Mrs. Merritt, President of the Council, replied, "and they wouldn't do anything about closing until the whole country cleaned up."

Alderman Gordon said the theatres operated under a provincial license and were beyond the control of the council. "We can pass a resolution asking them to close the midnight shows," Alderman McIntyre suggested. "That would indicate we are opposed to them, and we might ask the Legislature to give municipalities authority to fix theatre hours."

"The Council of Women is responsible for this action," said Rev. Mr. Craik of the Ministerial Associaton. "We are smply co-operating in this appeal. All we can do is simply ask the Council to rid the city of this menace."

CAPITOL "ELKS" SHOW

Halifax, N.S.—The Elks of Halifax are arranging for a special showing at the Capitol Theatre, Halifax, N.S., in aid of the Goodfellow and Good samaritan Funds.

COHEN IN SAINT JOHN

Saint John, N.B. — Wolfe Cohen, General Manager of Vitagraph Limited, was in Saint John for a few days recently. He was in conference with "Lew" McKenzie, Saint John manager of Vitagraph.

THE SUCCESS
of your
THEATRE
depends upon
GOOD EQUIPMENT

consult
GENERAL
THEATRE SUPPLY COMPANY Ltd.
104 BOND STREET TORONTO • 336 MAYOR STREET MONTREAL

"FIRST LOVE" TIE-UP

Saint John, N.B. — Deanna Durbin in "First Love" proved so great an attraction at the Strand Theatre, Saint John, N.B., that it was brought back for an extra three days. A large department store on the principal street featured an entire window of Deanna Durbin dresses.

WOOLFE IN REGINA

Regina, Sask. — Recent visitor in Regina, Saskatoon and Prince Albert was Harry Woolfe, manager, RKO Distributing Corporation, Winnipeg.

SCREEN "FRANCE IS READY"

Calgary, Alta. — Members of the local garrison, city aldermen and officials, leaders of the local French group and members of the press witnessed a private showing at the Strand Theatre of the French war picture, "France Is Ready".

FENETY DONATES HOUSE

Fredericton, N.B.—W. W. O. Fenety, has donated the Capitol Theatre, Fredericton, N.B., to the Boy Scouts Association for a Toy matinee Saturday morning. The collection of articles will be distributed among the poor children in Fredericton by the Scouts.

'FLU VICTIM

Regina, Sask. — A 'flu victim, Marcus Bloom, Assistant Manager of the Rex Theatre, was confined to his bed for a few days recently.

Trans-Canada Showings

TORONTO

IMPERIAL
"Eternally Yours" (Wanger-U.A.), with Loretta Young and David Niven.

LOEW'S
2nd week. "Ninotchka" (Metro-Goldwyn-Mayer), with Greta Garbo and Melvyn Douglas.

PYLON
"Gambling With Souls" (Colonial Pictures), and "Pacific Liner" (RKO Radio), with Chester Morris and Victor McLaglen.

SHEA'S
"Coast Guard" (Columbia), with Randolph Scott, Frances Dee and Ralph Bellamy.

UPTOWN
"Remember" (Metro-Goldwyn-Mayer), with Greer Garson, Robert Taylor and Lew Ayres.

MONTREAL

CAPITOL
2nd week. "Each Dawn I Die" (Warner Bros.), with James Cagney and George Raft, also "Kid Nightingale" (Warner Bros), with John Payne and Jane Wyman.

LOEW'S
"Remember" (Metro-Goldwyn-Mayer), with Robert Taylor, Greer Garson and Lew Ayres.

ORPHEUM
3rd week. "The Housekeeper's Daughter" (Roach-U.A.), with Joan Bennett and Adolphe Menjou.

PALACE
"Day-Time Wife" (20th Century-Fox), with Tyrone Power and Linda Darnell.

PRINCESS
"Barricade" (20th Century-Fox), with Alice Faye and Warner Baxter, and "What A Life". (Paramount), with Jackie Cooper and Betty Field.

SAINT JOHN

CAPITOL
"Hollywood Cavalcade" (20th Century-Fox), with Alice Faye and Don Ameche.

MAYFAIR
"Second Fiddle" (20th Century-Fox), with Sonja Henie and Tyrone Power, and "Charlie Chan of Treasure Island" (20th Century-Fox), with Sidney Toler.

WINNIPEG

GARRICK
"Beware Spooks" (Columbia), with Joe E. Brown and Mary Carlisle, also "Miracle of Main Street" (Columbia), with Margo and Walter Abel.

CAPITOL
"The Royal Visit" (Columbia distribution), and "Five Little Peppers" (Columbia), with Edith Fellows and Dorothy Peterson.

LYCEUM
"Here I Am A Stranger" (20th Century-Fox), with Richard Green, Richard Dix and Brenda Joyce, also "Pack Up Your Troubles" with the Ritz Bros.

METROPOLITAN
"Dancing Co-ed" (Metro-Goldwyn-Mayer), with Lana Turner, Richard Carlson and Artie Shaw and his band.

CALGARY

CAPITOL
"Ninotchka" (Metro-Goldwyn-Mayer), with Greta Garbo and Melvyn Douglas.

PALACE
"20,000 Men a Year" (20th Century-Fox), with Randolph Scott, Preston Foster and Margaret Lindsay, also "Missing Daughters" (Columbia), with Richard Arlen.

STRAND
"France Is Ready" (Grand National) also "Quick Millions" (20th Century-Fox), with the Jones Family.

VANCOUVER

CAPITOL
"Remember" (Metro-Goldwyn-Mayer), with Robert Taylor, Greer Garson and Lew Ayres.

DOMINION
"The Wizard of Oz" (Metro-Goldwyn-Mayer), with Judy Garland, Frank Morgan and Ray Bolger.

ORPHEUM
"Eternally Yours" (United Artists), with Loretta Young and David Niven.

STRAND
"Espionage Agent" (Warner Bros), with Joel McCrea and Brenda Marshall, also "Kid Nightingale" (Warner Bros), with John Payne and Jane Wyman.